



TOWN CLERK, ROCKLAND
DEC 8 '21 PM 3:54

TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, Massachusetts 02370

Telephone: 781-871-1874 x 1196
Fax: 781-871-0386
E-mail: planningboard@rockland-ma.gov

TOWN OF ROCKLAND PLANNING BOARD Decision of Hearing

APPLICANT: Gaspar Investments

HEARING DATE (S): November 24, 2020, February 23, 2021, April 27, 2021, July 27, 2021, August 24, 2021, September 28, 2021, October 12, 2021 & October 26, 2021.

BOARD MEMBERS PRESENT AT THE HEARING(S):

NOVEMBER 24, 2020 HEARING: Michael Corbett, Chairman; John Lucas, Charles Williams, Randy Hoblitzelle and Jared Valanzola.

FEBRUARY 23, 2021 HEARING: Michael Corbett, Chairman, John Lucas and Charles Williams (*absent Randy Hoblitzelle*).

APRIL 27, 2021 HEARING: Michael Corbett, Chairman, John Lucas, Charlie Williams, Randy Hoblitzelle and James Wells.

JULY 27, 2021 HEARING: Michael Corbett, Chairman, John Lucas, Charles Williams, Randy Hoblitzelle and James Wells.

AUGUST 24, 2021 HEARING: Michael Corbett, Chairman, John Lucas and Charles Williams (*absent Randy Hoblitzelle & James Wells*).

SEPTEMBER 28, 2021 HEARING: Michael Corbett, John Lucas and James Wells (*absent Charles Williams & Randy Hoblitzelle*).

OCTOBER 12, 2021 HEARING: Michael Corbett, Chairman, John Lucas, Charles Williams, Randy Hoblitzelle and James Wells.

SUBJECT: Site Review Multi-Family & Duplex Residences

LOCATION: 0 Dyer Street (Map 34 Parcels 84, 87, 88 & 90)

You are hereby notified that after careful consideration of your application the Rockland Planning Board voted:

() to deny the application

(XX) to approve the application for Site Plan subject to the conditions hereto annexed.

FILING DATE OF DECISION: **DECEMBER 8, 2021**

DECISION: On **October 12, 2021** the Board voted 3-0 in favor to approve the **Site Plan** with the following conditions:

Waiver Requests

1. The project includes subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A **waiver** is required from R&R §III.C.2.f.1 to allow subsurface systems. Voted 3-0.
2. A **waiver** is required from R&R §III-C.2.e.1) to allow for less than 2.5 feet of cover over the drain pipes. We note that drainpipes with less than 2.5 feet of cover are specified to be Class 5 reinforced concrete, which is appropriate. Voted 3-0.

I: Conditions.

1. The applicant shall comply with all the rules and conditions set forth by the Conservation Commission (*see attached*).
2. The applicant shall check with Highway regarding plowing, what Highway requires for building road, town specs, check with Dave Taylor if continuing to plow and must get permission from BOS to continue to do it (*see attached*).
3. The applicant shall put sprinklers in the Duplexes and comply with the Deputy Chief's conditions (*see attached*).
4. The applicant shall comply with Sewer (*see attached*).
5. The applicant shall comply with Water (*see attached*).
6. The applicant shall comply with the recommendations of Amory Engineering: applicant needs to secure approval from the ARJWW Commissioners for domestic water supply & provide documentation of water approval be a **condition** of approval & determine whether the landscaping shown on the proposed Landscaping Plan (Sheet LA-I) is adequate (*see attached*).
7. The applicant shall put in 6ft stockade fencing on Northern side from West to East including Pattiann King Mayo of 8 Dyer Street (*see Planning minutes of October 12, 2021 attached*).
8. The applicant shall put trees on Rice Ave (Hasting's property) and if other people on that line want them, it is to be continued (*see Planning minutes of October 12, 2021 attached*).
9. The applicant is to get a photometric plan, including lighting and standard conditions to the Planning Board.
10. There will be a review in 12 months on water flow runoff.
11. There will be a review of the drainage 12 months after installation. (*see Planning minutes of September 28, 2021 attached*).
12. The Planning Board approved to the latest plans received September 13, 2021 for Site, a completion date set for two years from the start of construction.
13. The applicant shall provide an as built at the end of construction before issue of certificate of occupancy.
14. Refer to Attorney Galvin letter regarding Private Way not a Public Road (*see attached*).

II: General Conditions.

1. The applicant shall comply with conditions set forth by the Zoning Board (*if applies*).
2. The applicant shall comply with the order of conditions set forth by Conservation (*if applies*).
3. That any modification of the plans cited above which modification is substantially different from the plan presented at the public meeting, shall be submitted to the Board to be reviewed and accepted by the Board prior to any construction commencing.
4. That prior to an Occupancy Permit being issued by the Building Department, an "As Built" plan prepared by a Registered Civil Engineer shall be submitted to the Board for its approval; such plan shall bear the following certification: **"I certify that this project has been constructed in conformance with the approved plan and that any changes from said plan have been previously approved by the Rockland Planning Board."**
5. If Necessary, during construction the applicant is required to control erosion. Silt sacs shall be installed in all catch basins in the area of construction. The silt sac shall be cleaned as necessary. All disturbed areas must be stabilized prior to November 30 during construction to prevent erosion during the winter months.
6. The applicant is required to begin construction within two (2) years from the time of the Site Plan approval. The applicant will have to return to the planning board for any time extensions after the two years.
7. The applicant is required to keep all roadways free and clear of debris at the discretion of the Rockland Highway Superintendent during construction.
8. All Road Opening requirements are at the discretion of the Rockland Highway Superintendent.
9. The Applicant shall comply with all any permits required by the Town of Rockland relating to construction of this project.
10. The Town's representative from Planning Board or its successor, including the Town's designated engineer shall be permitted to access the property for the purposes of reviewing the work and progress of the work during construction.
11. During construction the Applicant shall schedule inspections of the drainage system with the Board's consulting engineer. Inspections shall include the following:
 - A. Bottom of all excavated areas for drainage structures.
 - B. After all drainage pipe installation and before backfill.
 - C. Top of fill replacement area

12. Material compaction reports will be sent to the Town's designated engineer and the Planning Board Chairman for the site plan file.
13. The applicant will have the town engineer inspect all drainage basins, and landscaping during and upon completion of work.
14. The applicant will be responsible for engineer cost incurred for the preconstruction meeting, drainage inspections, scheduled inspections, final inspection and As-built review.
15. A signed plan and Rockland Planning Board Certificate of Action is to be on-site during construction.
16. Approval of the Planning Board Site Plan does NOT constitute approval of any other Rockland Board or Commissions. Approval does not include any town department that will require additional review or permitting. Approval does not guarantee the issuance of a Building Permit.
17. This site plan approval is subject to and conditioned upon the applicant submitting final building plans acceptable to the Building Commissioner that depict all site and building improvements and additionally comply with all local, state and federal laws and regulations, including site, access, setback, stormwater management, building, sign, and wetlands.

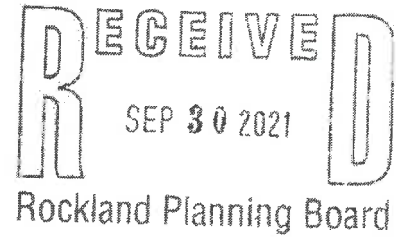


Michael Corbett, Chairman



Date Approved

CONSERVATION COMMISSION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

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A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: Rockland
Conservation Commission
2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

<u>Maykon</u>	<u>Gaspar</u>
a. First Name	b. Last Name
<u>Gaspar Investment Inc.</u>	
c. Organization	
<u>265 Willis Avenue</u>	
d. Mailing Address	
<u>Rockland</u>	<u>MA</u>
e. City/Town	f. State
	<u>02155</u>
	g. Zip Code
4. Property Owner (if different from applicant):

<u>Thomas J.</u>	<u>Hastings, Tr.</u>
a. First Name	
<u>Plymouth County Land Trust</u>	
c. Organization	
<u>195 Whiting Street, Suite 2B</u>	
d. Mailing Address	
<u>Hingham</u>	<u>MA</u>
e. City/Town	f. State
	<u>02043</u>
	g. Zip Code
5. Project Location:

<u>off Dyer Street</u>	<u>Rockland</u>
a. Street Address	b. City/Town
<u>34</u>	<u>84, 87, 88, 89 and 90</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number



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 Latitude and Longitude, if known: 42.115355 -70.907020
 d. Latitude e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Plymouth
 a. County 49968 b. Certificate Number (if registered land) 230
 c. Book d. Page July 20, 2021
 July 13, 2021
7. Dates: a. Date Notice of Intent Filed October 23, 2020 b. Date Public Hearing Closed July 13, 2021 c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Development Plan Set (15 Sheets)
 a. Plan Title McKenzie Engineering Group b. Signed and Stamped by Bradley C. McKenzie, P.E. Lic #36917
 b. Prepared By June 29, 2021 c. Signed and Stamped by varied
 d. Final Revision Date e. Scale
 See Attachment A - Permit Plans and Documents
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
 a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)
 Approved subject to:
 a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent



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that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

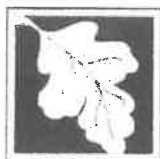
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet



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9. ☐ Riverfront Area

a. total sq. feet

b. total sq. feet

Sq ft within 100 ft

c. square feet

d. square feet

e. square feet

f. square feet

Sq ft between 100-200 ft

g. square feet

h. square feet

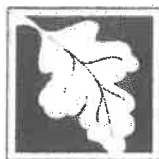
i. square feet

j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
	a. square feet	b. square feet		



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21. ☐ Land Subject to
Coastal Storm

22. ☐ Riverfront Area

Sq ft within 100 ft

Sq ft between 100-
200 ft

a. total sq. feet

b. total sq. feet

c. square feet

d. square feet

e. square feet

f. square feet

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).



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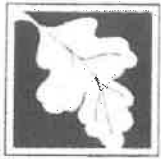
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6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number 273-0411 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.



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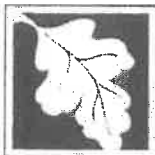
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



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- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another



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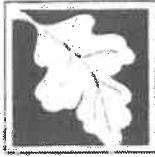
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entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.



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Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Rockland hereby finds (check one that applies):
 Conservation Commission
- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Rockland Wetlands Protection Bylaw

Chapter 407

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Special Conditions.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

8/10/21
1. Date of Issuance

5
2. Number of Signers

Signature Charlene R Judge
Signature Lorraine Pratt
Signature Virginia A Hobson
Signature Ronald I Drunelle
Signature

Printed Name CHARLENE R JUDGE
Printed Name Lorraine Pratt
Printed Name Virginia A Hobson
Printed Name RONALD I DRUNELLE
Printed Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

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eDEP Transaction #

Rockland

City/Town

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

8/10/21

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

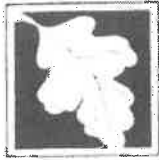
Fax Number (if applicable) _____

4. DEP File Number: _____

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
 Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS

Dyer Street Duplex Notice of Intent
Rockland, MA
DEP File No. 273-0411

ATTACHMENT A – PERMIT PLANS AND DOCUMENTS

Applicant Submittals

- Notice of Intent – Filed under: MGL CH. 131 S.40 and the Town of Rockland Wetlands Protection; Dyer Street (Assessor's Parcel No. 34-83-0) Rockland, Massachusetts; dated October 23, 2020, Revised April 1, 2021; Prepared by MEG McKenzie Engineering Group.
- *Site Development Plan Set* including Existing Conditions Plan, Site Development Plans and Details and Landscaping Plan - Assessor's Map 34, Lots 83, 84, 87, 88, 89 & 90; Dyer Street, Rockland, Massachusetts (15 Sheets); prepared by McKenzie Engineering Group; dated October 23, 2020, Last Revised **June 29, 2021**; stamped by Bradley C. McKenzie, MA Civil PE No. 36917 and Richard J. Hood, MA PLS No. 35031.
- *Executive Summary Drainage Calculations and Stormwater Management Report* prepared by MEG dated October 23, 2020, Last Revised June 29, 2021.
- *Architectural Plans* dated March 10, 2021.

Peer Review Submittals

- *Notice of Intent – Peer Review*, dated April 12, 2021, Prepared by BETA Group, Inc.
- *Proposed Residential Development – Peer Review*, dated June 22, 2021, Prepared by Henry T. Nover, P.E.

ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Multi-Family NOI
Rockland, MA
DEP File No. 273-0411

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020 and amended on April 1, 2021. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of construction of three (3) multi-unit buildings - 12 units, total and will be located on Assessor's parcels Map 34 Parcels 84, 87, 88, 89 and 90 & Portion of Dyer Street Right-of-Way. Related site activities include the extension of Dyer Street, a Private Way, clearing and site grading for construction of impervious parking surfaces and access drives, two (2) stormwater BMPs, and utility connections. Portions of Stormwater Basin #1 and #2 occur on adjoining parcels of land to the west. An NOI was submitted for Assessor's parcel 34-83-0 that included a portion of Stormwater Basin #1. The work associated with Stormwater Basin #2 on Assessor's Parcel 34-90-0 is part of this OOC approval.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary that existed on the ANRAD's subject parcels was legally confirmed by the Conservation Commission, but all wetland flags were reviewed and confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction (100-foot buffer zone) off the BVW boundary. No critical resource areas or habitat was identified on the Site during the ANRAD/ORAD process.

The following Special Conditions shall be adhered to in order to ensure compliance with the provisions of the Act and the Bylaw:

A. General

1. This project is approved under M.G.L. c. 131 § 40 and its Regulations and the Town of Rockland Wetlands Protection Bylaw.
2. This document shall be included by reference in all contracts, plans and bid specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC. This OOC supersedes any conflicting contractual arrangements, plans or specifications if appropriate.
3. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
4. Any person performing work on the activity that is the subject of this OOC is individually responsible for understanding and complying with the requirements of this OOC; the Wetlands Protection Act,

M.G.L. Chapter 131, Section 40; its Regulations, 310 CMR 10.00; and any other local, state or federal environmental laws and regulations.

5. The Rockland Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the OOC.
6. **No Buffer Zone alteration (temporary or permanent) is permitted other than that allowed by this OOC and depicted on the final plans of record. This OOC does not approve any alterations (temporary or permanent) to Areas Subject to Protection under the Act and Bylaw.**

B. Prior to Construction

1. Prior to the commencement of any construction activities at the Site, the Applicant shall send the Conservation Commission photographs depicting the erosion controls at the Site. The Conservation Commission and/or their representative shall issue a notice to proceed with work prior to the commencement of any ground disturbing activities.
2. **This OOC must be recorded at the Plymouth County Registry of Deeds. Proof of recording shall be furnished to the Conservation Commission prior to the commencement of any work at the Site.**
3. **EPA NPDES General Permit Authorization and copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to commencement of site disturbance.**
4. The contractor shall display the Department of Environmental Protection (DEP) file number for this OOC on a sign with minimum dimensions of three (3) square feet that is clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance (COC) is issued for the project.
5. **The Applicant / Developer shall fund a third-party Construction / Compliance Monitor to act on behalf of the Commission during construction phases. The level of required services is dependent on varying site and weather conditions, number of design field changes, level of communication between developer and Commission, and overall level of permit compliance. No work shall commence on the site until funds are received by the Commission. A scope and fee estimate for the Construction / Compliance Monitor will be provided.**
6. The applicant shall notify the Conservation Commission in writing of the name, address and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions of this Order.
7. **The Limit of Work shall be established in the field by placement of stakes approximately every 50 feet, or closer if required to confirm work is in compliance with the Plans of Record. Where the Limit of Work differs from the 25-foot No Disturb buffer zone, the 25-foot buffer zone shall also be staked. No work including installation of erosion controls shall take place until the LOW and 25-foot buffer zone is inspected by the Commission and/or their Representative.**
8. The resource area boundary shall re-established in the field prior to commencement of site activities.

9. **A copy of the Homeowners Association Agreement shall be provided to the Commission at least one (1) month prior to commencement of site activities.**
10. **The Final Design of the Roof Drain System shall be submitted to the Commission for review and acceptance prior to commencement of site activities.**

C. Erosion and Sediment Controls

1. Erosion controls shall consist of 12-inch compost filter tubes secured by wooden stakes or as depicted on the Plan of Record, and must be installed as depicted on the plans-of-record.
2. The location of the erosion and sediment controls shall be in accordance with the Plan of Record. Modification of erosion control measures may be required by the Commission at any time before, during and after construction.
3. The erosion and sediment control measures shall represent the limit of work at the site. Workers at the site shall be informed of the purpose of the sediment control barrier and instructed to protect it from damage by tools or machinery. No work shall be permitted beyond the erosion control barrier and no machinery shall be closer to the resource area than the erosion control barrier.
4. Erosion and sediment control measures shall be maintained in good repair and shall be replaced as necessary. Sediment control devices shall be inspected regularly.
5. An adequate stockpile of erosion and sediment control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone rip-rap, filter berms or any other devices planned for use during construction.
6. Immediately upon completion of construction at any given portion of the project, all disturbed areas shall be permanently stabilized as proposed on the Landscaping Plan unless weather conditions prohibit such activity. Any temporary ground stabilization efforts shall be first presented to the Commission and/or their Representative for approval and confirmation that types of seeding, etc. won't impact final site restoration planting. Continued maintenance of this area, in a manner that maintains permanent stabilization and precludes any soil erosion, shall be the responsibility of the Contractor. The erosion and sediment controls shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover. The erosion and sediment controls must be removed and disposed of off-site as soon as the project areas are stable.

D. During Construction

1. **Construction Phase Inspection Reports and SWPPP Inspection Reports shall be provided to the Commission on a monthly basis or as needed depending on weather and site conditions.**
2. **The Commission and/or their Representative shall confirm all subsurface soil conditions associated with proposed stormwater BMPs prior to beginning installation. At least a three (3) business day notice for the needed inspection shall be provided to the Commission and their Representative.**

3. Site work shall be in compliance with approved Sediment and Erosion Control Plans and Specifications and the SWPPP including creation of any sediment control basins immediately after clearing and minimal site grading.
4. The Contractor and any person involved in the activity that is the subject of this Order of Conditions (OOC) shall notify the Commission or its agent immediately upon discovery of any matter related to the OOC that may affect any area within the jurisdiction of the Commission including discovery of oil or hazardous materials.
5. The Commission reserves the right to impose additional Special Conditions as needed to protect the interests of Resource Areas at the Site as identified in the Act and the Bylaw.
6. All debris, fill, excavated material, construction material and building material shall be stockpiled in the designated, approved areas.
7. Any debris that falls into the wetland area shall be removed immediately by hand. Any damage caused as a direct result of this project to any wetland resource area shall be the responsibility of the applicant to correct and repair. Sedimentation into any wetland resource area shall be considered damage. If there is any damage, the Commission shall be notified within 24 hours of observing the damage and shall be provided with an estimate of the damage and the proposed corrective actions.
8. There shall be no discharge of silt or sediment laden water to wetland resource areas either directly or overland. Any de-watering activities on the project in which water will be released to wetlands or storm drains shall make use of a straw bale corral as shown on the submitted sketch. The discharge point shall be located at least thirty (30) feet from any Resource Area.
9. No vehicle or other machinery refueling, lubrication, or maintenance shall take place within 100 feet of any wetland resource area. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be repaired immediately.
10. Material stockpiling shall be located at the front of the dwelling as shown on the plan-of-record.

G. Post Construction

1. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied with the following items:
 - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this OOC and setting forth what deviations exist, if any. The Statement shall also include site work associated with DEP File No. 273-0411. 0412
 - b. A written statement by a qualified professional certifying that all ground restorative work including all proposed landscaping has been completed and is fully established and flourishing.
 - c. One set of As-Built full-sized plans and one half-sized format (approximately 11" x 17") PDF of the As-Built plans prepared by a registered professional engineer showing those activities for

which the Certificate of Compliance is sought, as well as all site work associated with DEP File No. 273-0412;

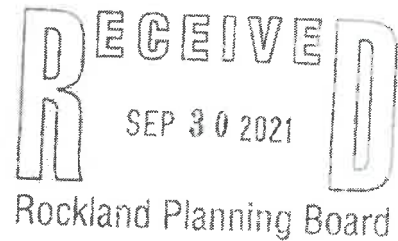
- d. Submittal photographs depicting final Site conditions.
2. A full Certificate of Compliance will not be issued until site and drainage work associated with DEP File No. 273-0412 is completed and has been determined to be in compliance with its Order of Conditions.

H. Continuing Conditions

The following conditions, at a minimum, shall not expire with the issuance of a final Certificate of Compliance and shall remain in effect in perpetuity.

1. All yard debris associated with landscaping activities at or near the Site shall not be disposed of within Resource Areas.
2. The proposed drywell shall be maintained as necessary to ensure capacity and continued infiltration.

CONSERVATION COMMISSION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #
 Rockland
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: Rockland
 Conservation Commission
2. This issuance is for (check one):
 a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Mayckon

a. First Name

Gaspar

b. Last Name

Gaspar Investment Inc.

c. Organization

265 Willis Avenue

d. Mailing Address

Rockland

e. City/Town

MA

f. State

02155

g. Zip Code

4. Property Owner (if different from applicant):

Thomas J.

a. First Name

Hastings, Tr.

Plymouth County Land Trust

c. Organization

195 Whiting Street, Suite 2B

d. Mailing Address

Hingham

e. City/Town

MA

f. State

02043

g. Zip Code

5. Project Location:

off Dyer Street

a. Street Address

Rockland

b. City/Town

34

c. Assessors Map/Plat Number

83

d. Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

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Rockland
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Latitude and Longitude, if known: 42.115355
 d. Latitude

-70.907020
 e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth

a. County

49968

c. Book

b. Certificate Number (if registered land)

230

d. Page July 20, 2021

7. Dates: October 23, 2020
 a. Date Notice of Intent Filed July 13, 2021 b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Development Plan Set (15 Sheets)

a. Plan Title

McKenzie Engineering Group

b. Prepared By

June 29, 2021

d. Final Revision Date

See Attachment A - Permit Plans and Documents

f. Additional Plan or Document Title

Bradley C. McKenzie, P.E. Lic #36917

c. Signed and Stamped by

varied

e. Scale

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent



Massachusetts Department of Environmental Protection
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City/Town

that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

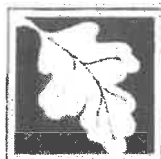
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet



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9. ☐ Riverfront Area

Sq ft within 100 ft

Sq ft between 100-
200 ft

a. total sq. feet

b. total sq. feet

c. square feet

d. square feet

e. square feet

f. square feet

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. ☐ Designated Port Areas

11. ☐ Land Under the Ocean

Proposed
Alteration

Permitted
Alteration

Proposed
Replacement

Permitted
Replacement

Indicate size under Land Under the Ocean, below

a. square feet

b. square feet

c. c/y dredged

d. c/y dredged

Indicate size under Coastal Beaches and/or Coastal Dunes below

12. ☐ Barrier Beaches

13. ☐ Coastal Beaches

14. ☐ Coastal Dunes

15. ☐ Coastal Banks

16. ☐ Rocky Intertidal Shores

17. ☐ Salt Marshes

18. ☐ Land Under Salt Ponds

19. ☐ Land Containing Shellfish

20. ☐ Fish Runs

a. square feet

b. square feet

c. cu yd
nourishment

d. cu yd
nourishment

a. square feet

b. square feet

c. cu yd
nourishment

d. cu yd
nourishment

a. linear feet

b. linear feet

a. square feet

b. square feet

a. square feet

b. square feet

c. square feet

d. square feet

a. square feet

b. square feet

c. c/y dredged

d. c/y dredged

a. square feet

b. square feet

c. square feet

d. square feet

Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

a. c/y dredged

b. c/y dredged

a. square feet

b. square feet



Massachusetts Department of Environmental Protection
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Provided by MassDEP
273-0412

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21. ☐ Land Subject to
Coastal Storm

22. ☐ Riverfront Area

a. total sq. feet

b. total sq. feet

Sq ft within 100 ft

c. square feet

d. square feet

e. square feet

f. square feet

Sq ft between 100-
200 ft

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

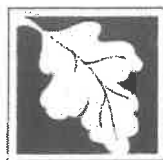
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 273-0412 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.



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15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



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- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another



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entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.



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Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Rockland hereby finds (check one that applies):
 Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Rockland Wetlands Protection Bylaw

Chapter 407

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Special Conditions.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

8/10/21
 1. Date of Issuance

5
 2. Number of Signers

Signature

Signature

Signature

Signature

Signature

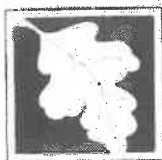
Printed Name

Printed Name

Printed Name

Printed Name

Printed Name



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Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt
requested, on

Date

8/10/21

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the



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wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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eDEP Transaction #
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Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

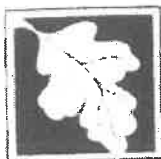
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

Request for Departmental Action Fee
Transmittal Form

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

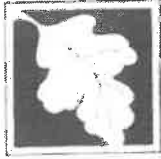
Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-county>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Duplex NOI
Rockland, MA
DEP File No. 273-0412**

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of one (1) duplex (two unit) building and related site improvements including access driveway, stormwater facilities, utility connections, landscaping / restoration plantings, and other relevant infrastructure on a 12,320 square foot lot (Map 34 Parcel 83) with legal frontage off proposed Dyer Street extension, an existing 50' Private Way layout. The work associated with the extension of Dyer Street is included in a separate NOI submittal (DEP File No. 273-0411) and is subject to a separate Order of Conditions. However, some Special Conditions found herein are also included in the OOC for DEP File No. 273-0411. In addition, according to the Erosion and Sediment Control Plan, a temporary settling basin will be constructed on the Duplex Site in the 100-foot buffer zone. A portion of the permanent stormwater management BMP (Stormwater Basin #1) will be located within a Drainage Easement on the Duplex Site. No work associated with the Duplex Site is proposed within the BVW's 25-foot No Disturb.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary that existed on the ANRAD's subject parcels was legally confirmed by the Conservation Commission, but all wetland flags were reviewed and confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction (100-foot buffer zone) off the BVW boundary. No critical resource areas or habitat was identified on the Site during the ANRAD/ORAD process.

The following Special Conditions shall be adhered to in order to ensure compliance with the provisions of the Act and the Bylaw:

A. General

1. This project is approved under M.G.L. c. 131 § 40 and its Regulations and the Town of Rockland Wetlands Protection Bylaw.
2. This document shall be included by reference in all contracts, plans and bid specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC. This OOC supersedes any conflicting contractual arrangements, plans or specifications if appropriate.
3. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.

4. Any person performing work on the activity that is the subject of this OOC is individually responsible for understanding and complying with the requirements of this OOC; the Wetlands Protection Act, M.G.L. Chapter 131, Section 40; its Regulations, 310 CMR 10.00; and any other local, state or federal environmental laws and regulations.
5. The Rockland Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the OOC.
6. **No Buffer Zone alteration (temporary or permanent) is permitted other than that allowed by this OOC and depicted on the final plans of record. This OOC does not approve any alterations (temporary or permanent) to Areas Subject to Protection under the Act and Bylaw.**

B. Prior to Construction

1. Prior to the commencement of any construction activities at the Site, the Applicant shall send the Conservation Commission photographs depicting the erosion controls at the Site. The Conservation Commission and/or their representative shall issue a notice to proceed with work prior to the commencement of any ground disturbing activities.
2. **This OOC must be recorded at the Plymouth County Registry of Deeds. Proof of recording shall be furnished to the Conservation Commission prior to the commencement of any work at the Site.**
3. **EPA NPDES General Permit Authorization and copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to commencement of site disturbance.**
4. The contractor shall display the Department of Environmental Protection (DEP) file number for this OOC on a sign with minimum dimensions of three (3) square feet that is clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance (COC) is issued for the project.
5. **The Applicant / Developer shall fund a third-party Construction / Compliance Monitor to act on behalf of the Commission during construction phases. The level of required services is dependent on varying site and weather conditions, number of design field changes, level of communication between developer and Commission, and overall level of permit compliance. No work shall commence on the site until funds are received by the Commission. A scope and fee estimate for the Construction / Compliance Monitor will be provided.**
6. The applicant shall notify the Conservation Commission in writing of the name, address and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions of this Order.
7. **The Limit of Work shall be established in the field by placement of stakes approximately every 50 feet, or closer if required to confirm work is in compliance with the Plans of Record. Where the Limit of Work differs from the 25-foot No Disturb buffer zone, the 25-foot buffer zone shall also be staked. No work including installation of erosion controls shall take place until the LOW and 25-foot buffer zone is inspected by the Commission and/or their Representative.**
8. **The resource area boundary shall re-established in the field prior to commencement of site activities.**

9. **A copy of the Homeowners Association Agreement shall be provided to the Commission at least one (1) month prior to commencement of site activities.**
10. **The Final Design of the Roof Drain System shall be submitted to the Commission for review and acceptance prior to commencement of site activities.**

C. Erosion and Sediment Controls

1. Erosion controls shall consist of 12-inch compost filter tubes secured by wooden stakes or as depicted on the Plan of Record, and must be installed as depicted on the plans-of-record.
2. The location of the erosion and sediment controls shall be in accordance with the Plan of Record. Modification of erosion control measures may be required by the Commission at any time before, during and after construction.
3. The erosion and sediment control measures shall represent the limit of work at the site. Workers at the site shall be informed of the purpose of the sediment control barrier and instructed to protect it from damage by tools or machinery. No work shall be permitted beyond the erosion control barrier and no machinery shall be closer to the resource area than the erosion control barrier.
4. Erosion and sediment control measures shall be maintained in good repair and shall be replaced as necessary. Sediment control devices shall be inspected regularly.
5. An adequate stockpile of erosion and sediment control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone rip-rap, filter berms or any other devices planned for use during construction.
6. Immediately upon completion of construction at any given portion of the project, all disturbed areas shall be permanently stabilized as proposed on the Landscaping Plan unless weather conditions prohibit such activity. Any temporary ground stabilization efforts shall be first presented to the Commission and/or their Representative for approval and confirmation that types of seeding, etc. won't impact final site restoration planting. Continued maintenance of this area, in a manner that maintains permanent stabilization and precludes any soil erosion, shall be the responsibility of the Contractor. The erosion and sediment controls shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover. The erosion and sediment controls must be removed and disposed of off-site as soon as the project areas are stable.

D. During Construction

1. **Construction Phase Inspection Reports and SWPPP Inspection Reports shall be provided to the Commission on a monthly basis or as needed depending on weather and site conditions.**
2. **The Commission and/or their Representative shall confirm all subsurface soil conditions associated with proposed stormwater BMPs prior to beginning installation. At least a three (3) business day notice for the needed inspection shall be provided to the Commission and their Representative.**

3. The Contractor and any person involved in the activity that is the subject of this Order of Conditions (OOC) shall notify the Commission or its agent immediately upon discovery of any matter related to the OOC that may affect any area within the jurisdiction of the Commission including discovery of oil or hazardous materials.
4. The Commission reserves the right to impose additional Special Conditions as needed to protect the interests of Resource Areas at the Site as identified in the Act and the Bylaw.
5. All debris, fill, excavated material, construction material and building material shall be stockpiled in the designated, approved areas.
6. Any debris that falls into the wetland area shall be removed immediately by hand. Any damage caused as a direct result of this project to any wetland resource area shall be the responsibility of the applicant to correct and repair. Sedimentation into any wetland resource area shall be considered damage. If there is any damage, the Commission shall be notified within 24 hours of observing the damage and shall be provided with an estimate of the damage and the proposed corrective actions.
7. There shall be no discharge of silt or sediment laden water to wetland resource areas either directly or overland. Any de-watering activities on the project in which water will be released to wetlands or storm drains shall make use of a straw bale corral as shown on the submitted sketch. The discharge point shall be located at least thirty (30) feet from any Resource Area.
8. No vehicle or other machinery refueling, lubrication, or maintenance shall take place within 100 feet of any wetland resource area. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be repaired immediately.
9. Material stockpiling shall be located at the front of the dwelling as shown on the plan-of-record.

G. Post Construction

1. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied with the following items:
 - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this OOC and setting forth what deviations exist, if any. The Statement shall also include site work associated with DEP File No. 273-0411.
 - b. A written statement by a qualified professional certifying that all ground restorative work including all proposed landscaping has been completed and is fully established and flourishing.
 - c. One set of As-Built full-sized plans and one half-sized format (approximately 11" x 17") PDF of the As-Built plans prepared by a registered professional engineer showing those activities for which the Certificate of Compliance is sought, as well as all site work associated with DEP File No. 273-0411;
 - d. Submittal photographs depicting final Site conditions.

2. A full Certificate of Compliance will not be issued until site and drainage work associated with DEP File No. 273-0411 is completed and has been determined to be in compliance with its Order of Conditions.

H. Continuing Conditions

The following conditions, at a minimum, shall not expire with the issuance of a final Certificate of Compliance and shall remain in effect in perpetuity.

1. All yard debris associated with landscaping activities at or near the Site shall not be disposed of within Resource Areas.
2. The proposed drywell shall be maintained as necessary to ensure capacity and continued infiltration.

ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Duplex NOI
Rockland, MA
DEP File No. 273-0412

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of one (1) duplex (two unit) building and related site improvements including access driveway, stormwater facilities, utility connections, landscaping / restoration plantings, and other relevant infrastructure on a 12,320 square foot lot (Map 34 Parcel 83) with legal frontage off proposed Dyer Street extension, an existing 50' Private Way layout. The work associated with the extension of Dyer Street is included in a separate NOI submittal (DEP File No. 273-0411) and is subject to a separate Order of Conditions. However, some Special Conditions found herein are also included in the OOC for DEP File No. 273-0411. In addition, according to the Erosion and Sediment Control Plan, a temporary settling basin will be constructed on the Duplex Site in the 100-foot buffer zone. A portion of the permanent stormwater management BMP (Stormwater Basin #1) will be located within a Drainage Easement on the Duplex Site. No work associated with the Duplex Site is proposed within the BVW's 25-foot No Disturb.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary that exists within the subject parcels was legally confirmed by the Conservation Commission, but all wetlands were confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction.

HIGHWAY

Highway

PlanningBoard Rockland

From: David P. Taylor
Sent: Tuesday, September 28, 2021 3:54 PM
To: John Lucas; PlanningBoard Rockland
Subject: Dyer street

Dyer street:

Would need to have Town of Rockland road specs(Mass Dot).

In regards to plowing, there will need to be a designated snow drop zone which will also need to be accommodated with on site drainage catchment. The town will snowplow to the existing format that has been grandfathered. This is the format after the existing houses, at protruding ledge. Sand/ salt will be done by development.

Sva4 granite 6 inch curbing on radius from South Douglas street.

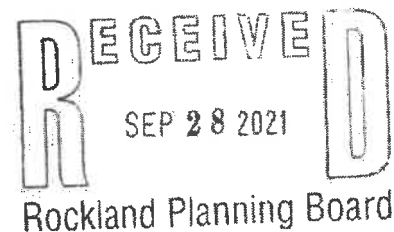
There will need to be a full road restoration, curb to curb, after all road tie ins are completed on South Douglas. Control density fill will need to be used on all cut ins to road for backfilling of infrastructure.

Developer will need to have drainage bmp's, yearly maintenance schedule set up.

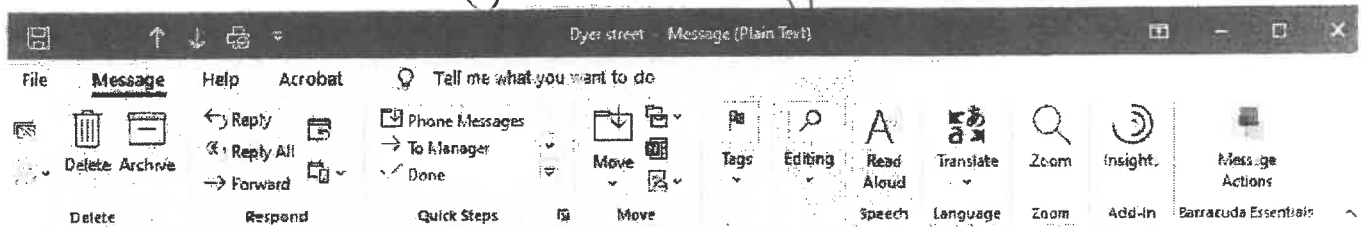
Developer will need to have Town drainage catchments set up with filter sacks, erosion control.

Developer will need to have crushed stone/rip rap clean out apron set-up before entering Town format when exiting proposed site.

Sent from my iPad



Highway



Dyer street



David P. Taylor

To: [Redacted]
Cc: [Redacted]

Reply Reply All Forward

Tue 7/27/2021 6:16 PM

You forwarded this message on 7/27/2021 6:21 PM.

Dyer street

26 foot wide road format . Inside of berm is 24 feet.

Granite sva4 granite curbing on radius entering off of Douglas.

Utility tie ins on Douglas will need to have full road patch out of new format and across to curb on Douglas.

Snow zone will need to be installed before entering development after existing houses and will need to catchment meeting all ms4 storm water permit compliance.

Highway will support emergency vehicle format that Fire proposes.

BMP. Maintenance plan for all storm water.

Proper mutcd. Signage to be used .

Town excavation specs to be used. Mass dot .

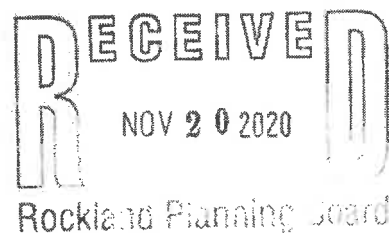
RECEIVED
JUL 28 2021
Rockland Planning Board

Form K – Dyer Street Highway

- Width of road is 24 feet required on new roads where format is there. Asphalt monolithic berm installed with pavement. Accommodate emergency vehicles, check with Fire.
- Planned association for road and property maintenance?
- Set up as Duplex and or condos?
- Road format on South Douglas where utilities are tied into will need to be refurbished to specs.
- All excavation must follow Rockland excavation specs 2016
- Washout area to be installed at entrance/exit. 4to 6 inch minus with 2inch minus stone base apron. Area will need to be maintained. Sweeping required weekly unless larger amount of debris is carried onto street, then daily.
- Drainage; Need to come up maintenance program for subsurface and above ground drainage areas. BMPs for MS4 program
- Snow push area required before entering development

Form K – Dyer Street Sewer

- Grinder pump required for new high residential development. 16 units, need bedroom count.



Requirement for all new development (commercial and residential). Installation of SV-4 granite curbing from lot line to lot line. Installation of bituminous concrete, five-foot-wide by three inches thick. all installations need to be ADA compliant including ADA ramps where required. NOTE: Exceptions on installation of curbing and / or walks rest solely on Highway Department.

Received by Planning Board 8.24.20

FIRE DEPARTMENT



ROCKLAND FIRE DEPARTMENT

P.O. BOX 542
360 Union Street
Rockland, Massachusetts 02370-0542



Scott F. Dufley, *Chief*
Thomas Heaney, *Deputy Chief*
Mary Ryan, *Executive Assistant*

Phone (781) 878-2123
Fax (781) 982-0302

8/26/2021

RE: Pinecrest Townhouses

Mr. Hastings,

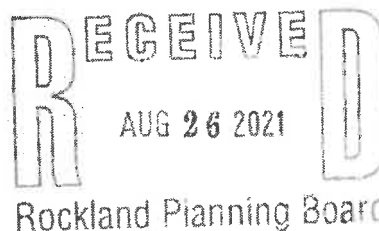
The Rockland Fire Department has no concerns with the proposed Site Plan discussed at the August 24, 2021 Planning board meeting. Mr. Hastings has addressed all access needs of the Fire Department.

I have yet to receive building plans for the Pinecrest Townhouses. It was agreed upon at an earlier meeting and per 527 CMR and MGL 148 26I that ALL the townhouses must be sprinklered. All units between three and five units will install smoke detectors according to MGL 148 26E. Units five or greater will be subject to the requirements of MGL 148 26E and have central station monitoring or a Master Box connected to Rockland Fire Department.

Best,

A handwritten signature in black ink, appearing to read "T. Heaney".

Thomas Heaney
Deputy Fire Chief





ROCKLAND FIRE DEPARTMENT

P.O. BOX 542
360 Union Street
Rockland, Massachusetts 02370-0542



Scott F. Duffey, *Chief*
Thomas Heaney, *Deputy Chief*
Mary Ryan, *Executive Assistant*

Phone (781) 878-2123
Fax (781) 982-0302

8/17/2021

Rockland Planning Board,

RE: 0 Dyer St

I have reviewed the latest submission for the 0 Dyer St. Townhouse Sub-Division. The Rockland Fire Department has the following concerns:

527 CMR 18.2.3.4.3.1 The minimum inside turning radius of a fire department access road shall be 25 feet. The AHJ shall have the ability to increase the minimum inside turning radius to accommodate the AHJ's apparatus.

527 CMR 18.2.3.4.3.2 Turns in fire department access roads shall maintain the minimum road width.

527 CMR 18.1.1.4 The Fire Department access road plans must include an analysis and evaluation of fire apparatus maneuvers throughout the access roads created by the swept path analysis and turn simulation software.

527 CMR 18.2.3.4.8 Travel in the Opposing Lane. The use of the opposite travel lane is prohibited in the design of all new fire department access roads.

Labeling the Cul-de-Sac, a Fire Lane to reduce the road width to 20 feet is not acceptable.

The swept path analysis provided clearly, shows the need for Rockland's Ladder truck to utilize the opposing lane of traffic to enter and exit the Cul-de-Sac. The swept path analysis allows no margin of error throughout the Cul-de-Sac, placing the tires of the Ladder truck against the curbing. Both these issues are not acceptable to the Fire Department.

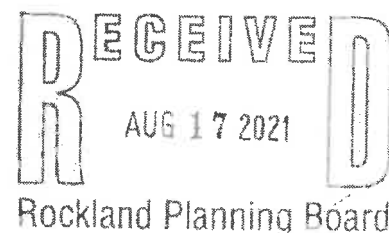
Please contact me if you have any additional questions.

Best,

A handwritten signature in black ink, appearing to read "T. Heaney".

Thomas L. Heaney

Deputy Fire Chief





ROCKLAND FIRE DEPARTMENT

P.O. BOX 542
360 Union Street
Rockland, Massachusetts 02370-0542



Scott F. Dufley, *Chief*
Thomas Heaney, *Deputy Chief*
Mary Ryan, *Executive Assistant*

Phone (781) 878-2123
Fax (781) 982-0302

Date: March 19, 2021

To: Rockland Planning Board

From: Deputy Chief Thomas Heaney

Re: Dyer St Project

Dear Board Members,

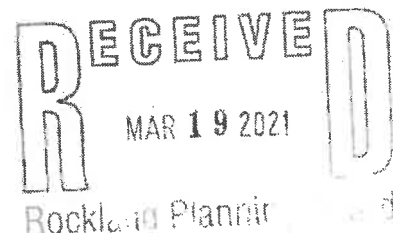
The latest plans submitted by Mr. Schoumaker have addressed Rockland Fire Departments concerns about moving forward with the 0 Dyer Street project. The following items have been agreed upon:

1. The entire length of Dyer Street will be increased to a width of 24 feet.
2. Install a new eight-inch (8") water main the entire length of Dyer Street.
3. Two new hydrants will be added, the first at the intersection of Dyer Street and South Douglass. The second at the end of Dyer street.
4. Buildings of four or more will be sprinklered per MGL 148 section 26I, 527 CMR and the International Building Code.
5. Mr. Schoumaker's current design plan provides access for Rockland's Ladder truck demonstrated with a swept path analysis. However, it is the preference of the Rockland Fire Department to utilize a Cul-de-sac configuration at the end of all dead-end roadways.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read "T. Heaney".

Thomas L. Heaney
Deputy Fire Chief





ROCKLAND FIRE DEPARTMENT

P.O. BOX 542
360 Union Street
Rockland, Massachusetts 02370-0542



Scott F. Duffey, *Chief*
Thomas Heaney, *Deputy Chief*
Mary Ryan, *Executive Assistant*

Phone (781) 878-2123
Fax (781) 982-0302

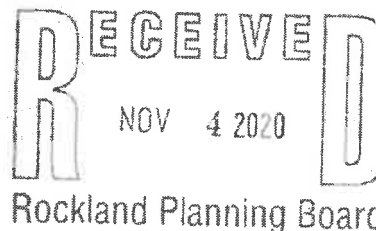
Rockland Planning Board
RE: 0 Dyer St. Project
11/2/2020

The Rockland Fire Department has reviewed the proposed development at 0 Dyer St and have the following concerns:

- Road Width, 527 CMR Chapter 18.2.3.4.1.1- Fire Department access roads shall have an unobstructed width of not less than 20 feet. The Rockland Fire Department is requesting that Dyer St. widened to 20 feet for its entire length.
- Dead Ends, 527 CMR Chapter 18.2.3.4.4- Dead End Fire Department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around. The Rockland Fire Department is requesting a remedy for Fire apparatus having to back down the length of Dyer Street
- Hydrant Systems, 527 CMR Chapter 18.1.3.2- Plans and specifications for the hydrant system shall be submitted to the Fire Department for review. The Rockland Fire Department is requesting that 2 hydrants be installed on Dyer Street 1) at the intersection of South Douglas and Dyer Street, 2) near the end of Dyer Street.
- Hydrant System, 527 CMR Chapter 18.1.3.2- Plans and specifications for the hydrant system shall be submitted to the Fire Department for review. The Rockland Fire Department is requesting an appropriately sized water main connected to the main on South Douglas. This main will continue the length of Dyer Street.

A handwritten signature in black ink, appearing to read "T. Heaney".

Thomas L. Heaney
Deputy Chief



**SEWER
DEPARTMENT**



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, MA 02370

Telephone: 781-871-1874 Ext. 1196

Fax: 781-871-0386

Email: PlanningBoard@rockland-ma.gov

FORM K

ROCKLAND PLANNING BOARD

PLAN REVIEW FORM

REQUEST FOR REVIEW COMMENTS

Project Name & Address: Dyer Street, Rockland, MA (Proposed Multi-Family Buildings)
Assessor's Map 34, Lots 84, 87, 88 & 89

Applicant Name & Address: Gaspar Investment Inc.
265 Willis Ave., Medford, MA 02155

Contact Name, Address Mayckon Gaspar, 617-699-4713 & Phone
265 Willis Ave., Medford, MA 02155

Date: September 16, 2021

To:

☒ Building Inspector
☒ Town Engineer
☒ Board of Health
☒ Water Department
☒ Conservation Commission
☒ Selectmen

☒ Fire Department
☒ Police Department
☒ Highway Department
☒ Sewer Commission
☒ Zoning Board of Appeals

RECEIVED
SEP 16 2021
Rockland Planning Board

Other (please specify) _____

Attached please find the application for: ☒ Site Plan Review
☐ Definitive Subdivision

The Planning Board requests that you review the enclosed application. We would appreciate your completing the form below and returning it by the date stated below. Failure to comment shall be deemed lack of opposition.

Comments due by: Tuesday, September 21, 2021

☐ Concur with proposal (Explain on reverse side)
☐ Need more information (Explain on reverse side)
☐ Cannot concur with proposal (Explain on reverse side)
☐ Comments included

Reviewer's Signature

Title

Date

Please return to Planning Board

FORM K
ROCKLAND PLANNING BOARD

CERTIFICATION OF RECEIPT OF APPLICATION

Department delivered to: SEWER DEPT.

Project Name: DYER ST

Received by: KEITH NASTASIA

Print Name

SUPERINTENDENT

Title: Keith Nastasia

Signature

Date Received: 9-16-2021

* SEE NOTE BELOW

The Applicant is required to submit signed copies of this page to the Planning Board for each department, board, agency or professional to which an application package has been delivered. Page 1 will be completed and returned directly to the Planning Board by the department, board, agency or professional.

* ALL SEWER INFRASTRUCTURE INCLUDING THE GRINDER (MUFFIN MONSTER) PUMP IS TO REMAIN THE SOLE RESPONSIBILITY OF THE DEVELOPER OR H.O.A. WHICH INCLUDES ANY MAINTENANCE AND OR REPAIRS AS NEEDED FOR ALL INFRASTRUCTURE INCORPORATED IN ASSESSED MAP 34, LOTS 84, 87, 88 & 89



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, MA 02370

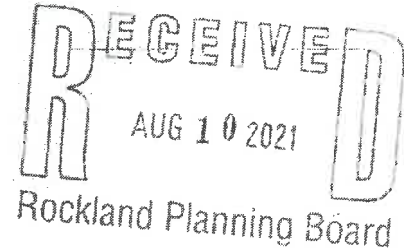
Telephone: 781-871-1874 Ext. 1196

Fax: 781-871-0386

Email: PlanningBoard@rockland-ma.gov

FORM K ROCKLAND PLANNING BOARD

PLAN REVIEW FORM REQUEST FOR REVIEW COMMENTS



Project Name & Address: Dyer Street, Rockland, MA (Proposed Multi-Family Buildings)
Assessor's Map 34, Lots 84, 87, 88 & 89

Applicant Name & Address: Gaspar Investment Inc.
265 Willis Ave., Medford, MA 02155

Contact Name, Address Mayckon Gaspar, 617-699-4713 & Phone
265 Willis Ave., Medford, MA 02155

Date: August 10, 2021

To:

<input checked="" type="checkbox"/> Building Inspector	<input checked="" type="checkbox"/> Fire Department
<input checked="" type="checkbox"/> Town Engineer	<input checked="" type="checkbox"/> Police Department
<input checked="" type="checkbox"/> Board of Health	<input checked="" type="checkbox"/> Highway Department
<input checked="" type="checkbox"/> Water Department	<input checked="" type="checkbox"/> Sewer Commission
<input checked="" type="checkbox"/> Conservation Commission	<input checked="" type="checkbox"/> Zoning Board of Appeals
<input checked="" type="checkbox"/> Selectmen	

Other (please specify)

Attached please find the application for: ☒ Site Plan Review
☐ Definitive Subdivision

The Planning Board requests that you review the enclosed application. We would appreciate your completing the form below and returning it by the date stated below. Failure to comment shall be deemed lack of opposition.

Comments due by: Tuesday, August 17, 2021

☒ Concur with proposal (Explain on reverse side)
☐ Need more information (Explain on reverse side)
☐ Cannot concur with proposal (Explain on reverse side)
☐ Comments included

Reviewer's Signature

Title

Date

GRINDER PUMP (MUFFIN MONSTER) IS TO BE
MAINTAINED BY THE DEVELOPER AND OR
THE HOA OF THE DEVELOPMENT → THE
TOWN OF ROCKLAND AND THE SEWER DEPARTMENT
WILL HAVE NO RESPONSIBILITY OF ANY
MAINTENANCE AND OR REPAIRS TO THE GRINDER PUMP.

✓ RECOMMEND A BOND OF \$25,000 BE HELD
FOR ANY MAINTENANCE / REPAIRS FOR THE GRINDER
PUMP UNTIL AN H.O.A. IS FORMED AND THE
PROPER DOCUMENTATION IS PROVIDED TO THE
TOWN OF ROCKLAND AND THE SEWER DEPARTMENT
THAT THE GRINDER PUMP IS THE SOLE
RESPONSIBILITY OF THE H.O.A. OF DYER AVE
DEVELOPMENT.



8.10.21



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, MA 02370

Telephone: 781-871-1874 Ext. 1196

Fax: 781-871-0386

Email: PlanningBoard@rockland-ma.gov

FORM K ROCKLAND PLANNING BOARD

PLAN REVIEW FORM REQUEST FOR REVIEW COMMENTS

RECEIVED
JUL 8 2021

Rockland Planning Board

Project Name & Address: Dyer Street, Rockland, MA (Proposed Multi-Family Buildings)
Assessor's Map 34, Lots 84, 87, 88 & 89

Applicant Name & Address: Gaspar Investment Inc.
265 Willis Ave., Medford, MA 02155

Contact Name, Address Mayckon Gaspar, 617-699-4713 & Phone
265 Willis Ave., Medford, MA 02155

Date: July 6, 2021

To:

<input checked="" type="checkbox"/> Building Inspector	<input checked="" type="checkbox"/> Fire Department
<input checked="" type="checkbox"/> Town Engineer	<input checked="" type="checkbox"/> Police Department
<input checked="" type="checkbox"/> Board of Health	<input checked="" type="checkbox"/> Highway Department
<input checked="" type="checkbox"/> Water Department	<input checked="" type="checkbox"/> <u>Sewer Commission</u>
<input checked="" type="checkbox"/> Conservation Commission	<input checked="" type="checkbox"/> Zoning Board of Appeals
<input checked="" type="checkbox"/> Selectmen	

Other (please specify) _____

Attached please find the application for: ☒ Site Plan Review
☐ Definitive Subdivision

The Planning Board requests that you review the enclosed application. We would appreciate your completing the form below and returning it by the date stated below. Failure to comment shall be deemed lack of opposition.

Comments due by: Monday, July 19, 2021

- ☐ Concur with proposal (Explain on reverse side)
☐ Need more information (Explain on reverse side)
☐ Cannot concur with proposal (Explain on reverse side)
☒ Comments included

Reviewer's Signature

Title

Date

Rockland Rules and Regulations
Revised 10/2019

Form K - Page 1

TO: PLANNING BOARD

FROM: SEWER DEPT.

RE: DYER ST COMMENTS

THE PLANS DO NOT SHOW/INDICATE
THE INSTALLATION/LOCATION OF AN
ON-SITE GRINDER PUMP AS NOTED
IN THE SEWER CONNECTION APPROVAL
LETTER DATED JUNE 2, 2021 BY
THE ROCKLAND SEWER COMMISSIONER.

PLAN NEEDS TO BE UPDATED
WITH THE ON-SITE GRINDER STATION
LOCATION AND ALSO THE STATION
IS TO BE MAINTAINED AND OWNERSHIP
OF THE DEVELOPER/HO.A.

THANK YOU
KEITH NARAYAN

Sewer

PlanningBoard Rockland

From: Keith Nastasia
Sent: Wednesday, June 9, 2021 7:31 AM
To: PlanningBoard Rockland
Cc: Robyn Day
Subject: RE: O Dyer

Hi Chrissi,

The developer is required to install a grinder station prior to connecting to the town's sewer system and that is not on the prints. Also, can they provide large copies for review once they have the corrections made.

Thank you,
Keith

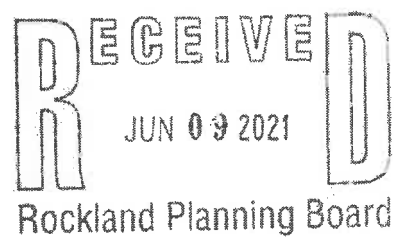
From: PlanningBoard Rockland <PlanningBoard@rockland-ma.gov>
Sent: Tuesday, June 8, 2021 3:18 PM
To: Keith Nastasia <knastasia@rockland-ma.gov>
Cc: Robyn Day <rday@rockland-ma.gov>
Subject: O Dyer

Keith,

Attached are updated plans for O Dyer – if you could please review and comment that would be great.

Thank you.

Chrissi





Town of Rockland

Sewer Commission

Post Office Box 330
ROCKLAND, MASSACHUSETTS 02370

Charles Heshion, *Chairman*
Daniel H. Duggan, *Commissioner*
Keith Nastasia, *Superintendent*

Tel: 781.878.1964
Fax: 781.878.1909

June 2, 2021

Mr. Brad McKenzie
McKenzie Engineering
Assinippi Office Park
150 Longwater Drive ~ Suite 101
Norwell, MA 02061

Re: Dyer Street

Dear Mr. McKenzie,

This letter is to confirm your appearance/application before the Board of Sewer Commissioners on April 22, 2021 to discuss the property located at Dyer Street.

The Board of Commissioners voted to approve the sewer connection, subject to the installation of an on-site grinder pump and flows of 4,730 GPD. Once all Sewer Tie-in, Inflow & Infiltration and Permit fees have been paid in full, a copy of your permit will be available for your records. Please refer to attached Fees Worksheet for details.

Please contact the sewer department office if you need any additional information.

Thank you,

Charles Heshion
Sewer Commission, Chair
Rockland Sewer Department

RECEIVED
JUN 02 2021
Rockland Planning Board

WATER DEPARTMENT



TOWN OF ROCKLAND

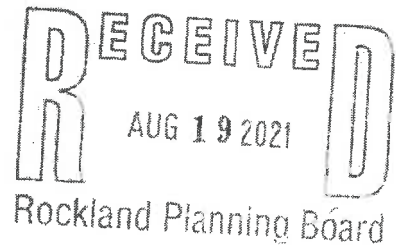
Planning Board

Town Hall
242 Union Street
Rockland, MA 02370

Telephone: 781-871-1874 Ext. 1196

Fax: 781-871-0386

Email: PlanningBoard@rockland-ma.gov



FORM K ROCKLAND PLANNING BOARD

PLAN REVIEW FORM REQUEST FOR REVIEW COMMENTS

Project Name & Address: Dyer Street, Rockland, MA (Proposed Multi-Family Buildings)
Assessor's Map 34, Lots 84, 87, 88 & 89

Applicant Name & Address: Gaspar Investment Inc.
265 Willis Ave., Medford, MA 02155

Contact Name, Address Mayckon Gaspar, 617-699-4713 & Phone
265 Willis Ave., Medford, MA 02155

Date: August 10, 2021

To:

☒ Building Inspector

☒ Town Engineer

☒ Board of Health

☒ Water Department

☒ ~~Conservation Commission~~

☒ Selectmen

☒ Fire Department

☒ Police Department

☒ Highway Department

☒ Sewer Commission

☒ Zoning Board of Appeals

☐ Other (please specify) _____

Attached please find the application for: ☒ Site Plan Review
☐ Definitive Subdivision

The Planning Board requests that you review the enclosed application. We would appreciate your completing the form below and returning it by the date stated below. Failure to comment shall be deemed lack of opposition.

Comments due by: Tuesday, August 17, 2021

☐ Concur with proposal (Explain on reverse side)

☐ Need more information (Explain on reverse side)

☐ Cannot concur with proposal (Explain on reverse side)

☒ Comments included

John J. Full Superintendent 8/18/21
Reviewer's Signature Title Date



ABINGTON COMMISSIONERS

RICHARD D. MUNCY
CHAIRMAN

ROBERT L. TOOMEY, JR.

MICHAEL EGAN

ABINGTON & ROCKLAND JOINT WATER WORKS

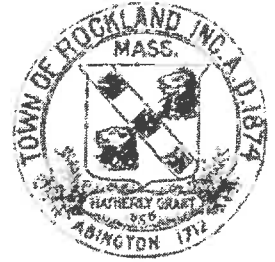
366 CENTRE AVENUE
ROCKLAND, MASSACHUSETTS 02370

TELEPHONE (781) 878-0901

FAX (781) 982-8332

jlapointe@abrockwater.com

JOSEPH LAPOINTE
SUPERINTENDENT



ROCKLAND COMMISSIONERS

JUNE R. DONNELLY

WILLIAM T. LOW
SECRETARY


ROBERT CORVI, JR.

August 18, 2021

Re: Dyer Street,

Dear Board Members;

At the July 22ND meeting of the Abington/ Rockland Joint Water Works The board Conditionally Approved Domestic Water for the Dyer Street Project. The condition is based on Water availability after the supply and demand study is complete. The Dyer street project would have priority over future projects.


Joseph LaPointe, Superintendent



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, MA 02370

Telephone: 781-871-1874 Ext. 1196

Fax: 781-871-0386

Email: PlanningBoard@rockland-ma.gov

FORM K

ROCKLAND PLANNING BOARD

PLAN REVIEW FORM

REQUEST FOR REVIEW COMMENTS

Project Name & Address: Dyer Street, Rockland, MA (Proposed Northern Duplex)
Assessor's Map 34, Lot 90

Applicant Name & Address: Gaspar Investment Inc.
265 Willis Ave., Medford, MA 02155

Contact Name, Address Mayckon Gaspar, 617-699-4713 & Phone
265 Willis Ave., Medford, MA 02155

Date: October 28, 2020

To:

☒ Building Inspector

☒ Town Engineer

☒ Board of Health

☒ Water Department

☒ Conservation Commission

☒ Selectmen

☒ Fire Department

☒ Police Department

☒ Highway Department

☒ Sewer Commission

☒ Zoning Board of Appeals

☐ Other (please specify) _____

Attached please find the application for: ☒ Site Plan Review

☐ Definitive Subdivision

The Planning Board requests that you review the enclosed application. We would appreciate your completing the form below and returning it by the date stated below. Failure to comment shall be deemed lack of opposition.

Comments due by: Friday, November 6, 2020

☐ Concur with proposal (Explain on reverse side)

☐ Need more information (Explain on reverse side)

☐ Cannot concur with proposal (Explain on reverse side)

☒ Comments included

[Signature]
Reviewer's Signature

Superintendent
Title

11/2/20
Date

Rockland Rules and Regulations

Revised 10/2019

Form K - Page 1

RECEIVED
NOV 2 2020
Rockland Planning Board



ABINGTON COMMISSIONERS

RICHARD D. MUNCY
CHAIRMAN

ROBERT L. TOOMEY, JR.

MICHAEL EGAN

ABINGTON & ROCKLAND JOINT WATER WORKS

366 CENTRE AVENUE

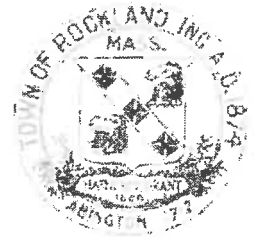
ROCKLAND, MASSACHUSETTS 02470

TELEPHONE (781) 878-0901

FAX (781) 982-8332

jlapointe@abrockwater.com

JOSEPH LAPOINTE
SUPERINTENDENT



ROCKLAND COMMISSIONERS

JUNE R. DONNELLY

WILLIAM L. LOW
SECRETARY

ROBERT CORVILLER

November 3, 2020

Rockland Planning Board,

Re: Dyer Street.

Dear Board Members;

The policy of the Abington/Rockland Joint Water Works pertaining to any development requiring a water supply from the municipality requires the following.

Any plans submitted to, and/or approved by other Boards does not constitute water availability. The process for water approval will require that the proponent meet with the Abington/Rockland Joint Water Works Commissioners to establish an acceptable plan of action to obtain approval for water availability.

Respectfully,

Joseph LaPointe, Superintendent

RECEIVED
NOV 2 2020
Rockland Planning Board

AMORY ENGINEERING

AMORY ENGINEERS, P.C.

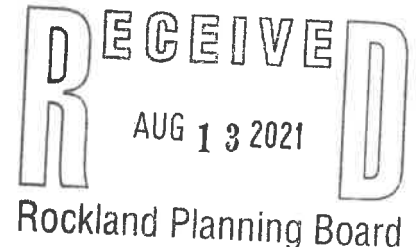
WATER WORKS • WATER RESOURCES • CIVIL WORKS

25 DEPOT STREET, P.O. BOX 1768
DUXBURY, MASSACHUSETTS 02331-1768

TEL.: 781-934-0178 • FAX: 781-934-6499
WWW.AMORYENGINEERS.COM

August 13, 2021

Rockland Planning Board
Town Offices
242 Union Street
Rockland, MA 02370



Subject: 0 Dyer Street – Multi-family and Duplex Residences

Dear Planning Board Members:

This is to advise that we have reviewed the following documents related to the proposed residential development located off Dyer Street:

- Site Plan (15 Sheets), revised August 12, 2021, prepared by McKenzie Engineering Group (MEG)
- Parking Plan (SK-1), revised August 6, 2021, prepared by MEG
- Drainage Calculations and Stormwater Management Report, revised August 6, 2021, prepared by MEG
- Response to comments letter from MEG dated June 29, 2021

Discussion at the July 27, 2021 continued public hearing centered around changing the layout of the development to provide for a circular turnaround at the east end of Dyer Street. The revised plans show a circular turnaround within an easement. The outer diameter of the turnaround/easement would be 100 feet. There would be a landscaped center island sixty feet in diameter. The turnaround would be one-way in a counter clockwise direction and twenty feet in width. The plans include a swept path analysis that shows that the Rockland Fire Department's aerial ladder truck can freely circumnavigate the turnaround. With the new configuration the proposed development is now at fifteen units, down from sixteen. The multi-unit building to the south that was proposed to be a five unit building is now proposed to be a four unit building.

Other changes to the plans include sloped granite curbing at the intersection radii at South Douglas Street and a sewer grinder that will be located in a new sewer manhole just upstream of the connection to the existing sewer manhole in Dyer Street. We understand that the granite curbing was requested by the Highway Superintendent and the grinder is a requirement of the Sewer Commission.

Based on our review of the revised documents we offer the following:

1. The project includes subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A waiver is required from R&R §III.C.2.f.1 to allow subsurface systems.

2. A **waiver** is required from R&R §III-C.2.e.1) to allow for less than 2.5 feet of cover over the drain pipes. We note that drain pipes with less than 2.5 feet of cover are specified to be Class 5 reinforced concrete, which is appropriate.
3. Documentation has been provided to demonstrate that there will be adequate water supply for fire flow. However, the Applicant needs to secure approval from the ARJWW Commissioners for domestic water supply. Should the Board approve the project we recommend that documentation of water approval be a **condition** of approval.
4. The Board should review and determine whether the landscaping shown on the proposed Landscaping Plan (Sheet LA-1) is adequate.

Should you have any question, please give us a call.

Very truly yours,

AMORY ENGINEERS, P.C.

By:



A handwritten signature in cursive script that reads "Patrick G. Brennan".

Patrick G. Brennan, P.E.

PGB

AMORY ENGINEERS, P.C.

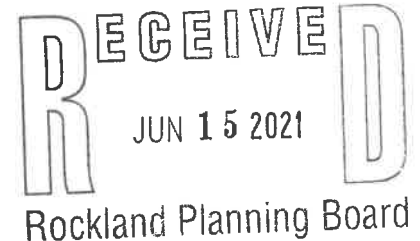
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WWW.AMORYENGINEERS.COM

June 15, 2021

Rockland Planning Board
Town Offices
242 Union Street
Rockland, MA 02370



Subject: 0 Dyer Street – Multi-family and Duplex Residences

Dear Planning Board Members:

This is to advise that we have reviewed the following documents related to the proposed residential development located off Dyer Street:

- Site Plan (15 Sheets), revised June 7, 2021, prepared by McKenzie Engineering Group (MEG)
- Parking Plan (SK-1), revised June 7, 2021, prepared by MEG
- Drainage Calculations and Stormwater Management Report, revised June 7, 2021, prepared by MEG
- Response to comments letter from MEG dated June 7, 2021
- Letter from Deputy Fire Chief Thomas L. Heaney, dated March 19, 2021
- Letter from Chairman Charles Heshion, Rockland Sewer Commission. dated June 2, 2021

The documents have been revised to address comments contained in our March 23, 2021 letter to the Board as well as comments from the Conservation Commission's peer reviewer and other departments. For ease of reading, below are only comments that have not been fully addressed or require action by the Board.

Town Counsel Advice:

1. We had questioned whether the proposal was a subdivision and if the roadway needed to be constructed to Subdivision Standards. Attorney Galvin advised that the proposal is not a subdivision and the Planning Board should determine whether the proposed width, grade and construction of the proposed roadway is adequate. The proposal includes widening the existing portion of Dyer Street and constructing the extended portion of Dyer Street to twenty-four feet wide with twelve inch Cape Cod berms on each side. Easements are proposed at the driveways for the five and seven unit buildings so that large vehicles may turn around. A swept path analysis has been submitted which shows that the Fire Department's largest apparatus can turn around in the proposed easements at the driveways for the five and seven unit buildings. *We note that the narrowest street allowed by the Rules and Regulations of the Planning Board (R&R) is twenty-six feet and granite curb is required by the R&R. The R&R also require a circular turnaround with a minimum pavement diameter of 100 feet and property line diameter of 120 feet.*

Comments

1. The project now includes subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A waiver is required from R&R §III.C.2.f.1 to allow subsurface systems.
2. We note that the calculations indicate that stormwater rate and volume of runoff will not be increased from existing conditions to post-development conditions. However, we have not completed a detailed review of the drainage calculations as Mr. Henry Nover, P.E. is reviewing the stormwater design of the project for conformance with the MassDEP Stormwater Management Standards (SMS) for the Rockland Conservation Commission. All of Mr. Nover's comments should be addressed.
3. A waiver is required from R&R §III-C.2.e.1) to allow for less than 2.5 feet of cover over the drain pipes. We note that drain pipes with less than 2.5 feet of cover are specified to be Class 5 reinforced concrete, which is appropriate.
4. We note that floor drains from the garages in the five and seven unit buildings are shown to be connected to the drainage system. Floor drains cannot be connected to the drainage system. If floor drains are proposed they should discharge to a tight tank or the municipal sewer system. However, we recommend against the use of floor drains.
5. Documentation has been provided to demonstrate that there will be adequate water supply for fire flow. However, the Applicant needs to secure approval from the ARJWW Commissioners for domestic water supply. Should the Board approve the project we recommend that documentation of water approval be a condition of approval.
6. The Board should review and determine whether the landscaping shown on the proposed Landscaping Plan (Sheet LA-1) is adequate.
7. As noted in our March 23, 2021 letter, snow storage areas are shown on the plan but they do not appear to be adequate to accommodate the amount of snow that may be generated from the parking areas and snow will likely need to be hauled off site.
8. As noted in our March 23, 2021 letter, the plans show proposed stockade fence along the west property lines of the duplex unit lots and there is no detail of the stockade fence. In the response MEG states that "the proposed stockade fences will be wooden and 6 ft. in height. Details and construction specifications will be provided by the manufacturer during the construction process." Should the Board approve the project we recommend a condition requiring submission of fence details prior to construction.

Should you have any question, please give us a call.



Very truly yours,

AMORY ENGINEERS, P.C.

By:

A handwritten signature in black ink, appearing to read "Patrick G. Brennan".

Patrick G. Brennan, P.E.

PGB

AMORY ENGINEERS, P.C.

OCTOBER 12, 2021
PLANNING
MINUTES



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, Massachusetts 02370

Telephone: 781-871-1874 X1196
Fax: 781-871-0386
E-mail: planningboard@rockland-ma.gov

Planning Board Meeting Minutes of October 12, 2021 Rockland Town Hall, Upper Level

In attendance – Michael Corbett, Chairman; John Lucas; Charles Williams; Randy Hoblitzelle and James Wells

Call to Order: 7:04 pm

The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS. A small fee will be charged. Chairman Corbett noted the meeting is being recorded for note taking purposes. The recording will be destroyed once minutes are recorded.

Site & Design Review for Gaspar Investments Inc., McKenzie Engineering Group multiple buildings 0 Dyer Street (Map 34, Lots 83, 84, 87, 88, 89 & 90)

Site Review

Chairman Corbett does the Board have any questions? **John Lucas** let Attorney Galvin explain the road.

Attorney Galvin I looked into Dyer Street and it was clear that at a prior Town Meeting it was offered as Public Road. It is my opinion and I put in writing it was never acquired, never taken, there is no actual taking no gift of the land so it is still a Private Way and until it is taken is not a Public Road. It would be better for the town if a Private Way, Hastings can make improvements or contribute to these improvements. That is my opinion, I don't know why we would advocate any other way.

Chairman Corbett does the Board any questions. Board no questions.

Chairman Corbett, Deputy Chief Heaney have all your requirements been met? **Deputy Chief Heaney** responded yes. **Chairman Corbett** you are satisfied? **Deputy Chief Heaney** responded yes.

Chairman Corbett the Police have no problem, Sewer installing a muffin grinder? **Mr. Hastings** responded yes. **Chairman Corbett** have you thought about a bond with HOA? **Mr. Hastings** not a condition, not in the Sewer Commission it was added, not necessary it is public property not a private way will be installed on property before occupancy. **Chairman Corbett** water? Pat Brennan's August letter stated adequate water for fire and conditionally approved depends on water availability after project study complete need to provide proof of approval.

Chairman Corbett Highway needs detail showing snow drop zone adjacent tying into system road makes towns specs ladder turning radius for trucks. **Mr. Hastings** added granite to South Douglas. **Chairman Corbett** Pat Brennan's letter in August nothing changed, asking for four (4) waivers.

1. The project includes subsurface infiltration systems consisting of plastic chambers surrounded by crushed stone. A **waiver** is required from R&R §III.C.2.f.1 to allow subsurface systems.
2. A **waiver** is required from R&R §III-C.2.e.1) to allow for less than 2.5 feet of cover over the drain pipes. We note that drain pipes with less than 2.5 feet of cover are specified to be Class 5 reinforced concrete, which is appropriate.
3. Documentation has been provided to demonstrate that there will be adequate water supply for fire flow. However, the Applicant needs to secure approval from the ARJWW Commissioners for domestic water supply. Should the Board approve the project we recommend that documentation of water approval be a **condition** of approval.
4. The Board should review and determine whether the landscaping shown on the proposed Landscaping Plan (Sheet LA-I) is adequate.

Chairman Corbett Board any questions? **John Lucas** does Mr. Hastings have anything additional to add? **Mr. Hastings** no issue, was a private way and format of plans got everything. I talked with immediate neighbors and have some things they would like done that I am agreeable to.

Chairman Corbett on the duplexes A & B what is going where? **Mr. Hastings** same footprint. **Chairman Corbett** interior layout is different-not typical are you choosing or they? **Mr. Hastings** a little bit of both once we get to drywall and exterior both the same.

Chairman Corbett Mr. Hastings agreed both sprinklered in garage? **Mr. Hastings** yes. **Chairman Corbett** sprinkler in maintenance room? **Mr. Hastings** yes.

John Lucas where are you going to plow snow in the complex? **Mr. Hastings** will contract for snow removal and it will be trucked away if not enough room. **John Lucas** where do you plan on putting snow if small amount? **Mr. Hastings** areas to the side it depends. **Charles Williams** I only see one snow area. **Mr. Hastings** if it can't fit it'll be trucked out. **George Grass** of 40 South Douglas Street when that day?

Chairman Corbett asked if the audience has any comments try to keep to two (2) minutes. **George Grass** the questions about parking were addressed, I looked at prints two (2) car garage on first floor, in basements there is no storage, HVAC or air condenser units? two car garages that will store things not cars. **Mr. Hastings** all units by the time they are built will have mechanicals, HVAC, trash bins, garages have more depth. The Town of Rockland requires three (3) spots per unit-unusually one space and half.

Brian Kilgallen of 32 Rice Ave wanted to say I respect the board, legal and expert opinion. The infiltration on North side this is wetlands and only 10ft from property line on Rice Ave. There is a work order from the Conservation Commission that there needs to be a 20ft buffer zone for all wetlands this buffer zone will now fall onto my property. **Erik Shoumaker** responded this is a prefab chamber system it is underground. **Brian Kilgallen** is expert opinion wrong that was given to Board? why is it defined in this area? **Erik Shoumaker** underground for drainage. **Brian Kilgallen** surface water runoff snow and rain onto properties onto Rice Ave, it points to two western parcels no runoff down eastern parcel.

Erik Shoumaker micro-grading small pitch break up stormwater runoff services the runoff decreased three (3) times. The previous conditions were all reviewed by peer review for the town and no issues. **Mr. Hastings** you have 8000sqft post construction. **Brian Kilgallen** all trees, they soak up water will the system do the work that the trees do? stopping of the water? It is fairly level more than when you raise the land up then running it down to my property and look at the vegetation it is the same? Do you see what I'm talking about? **Charles Williams**, I do. **Brian Kilgallen** they did a work order and you will comply with that? Can the residents get that in writing no issues going forward in the future on our property? **Mr. Hastings** make a condition have review of the drainage 12 months after installation. **Charles Williams** what kind of development are you talking about? **Brian Kilgallen** if I want to put a up a shed can I do that? will this development change this? **Attorney Galvin** nothing he is doing has any impact, you can use your property the way you want to. If there's a drainage issue then you have an issue with Mr. Hastings.

Charles Williams the property lines are the property lines and shouldn't be affected. **Brain Kilgallen** the ledge who owns the road? **Attorney Galvin** I don't have an answer, I haven't done a title research. **Attorney Brobowski** curative statute, derelict fee statute know it owns to center- generally properties that abut own to the center. The area where ledge is, is owned by the two (2) property owners to the middle of the road. **Attorney Galvin** Mr. Hastings has the legal right of the land further in to make improvements. **Brian Kilgallen** what about the other owners? It's a legal issue that's why I am asking. I asked Henry Nova if there will be a water issue if the ledge is removed, he said he has no way of knowing. Its private liability versus owner of the ledge. Is the owner of edge responsible? **Attorney Galvin** if Mr. Hastings chooses to blast, he's got that right, if it causes another condition, he has to resolve with it you. **Brian Kilgallen** the owner isn't responsible only Mr. Hastings? When the ledge is removed and there is an issue its on Mr. Hastings, not the other owners? **Attorney Galvin** I believe it to be true. Mr. Hastings, I feel bad your concerned, the ledge is going to be gone, water won't be a problem we are putting in drains. **Brian Kilgallen** will there be parking and area lighting? **Mr. Hastings** yes. **Charles Williams** is there a lighting plan? **Erik Shoumaker** yes. **Charles Williams** photometric? **Erik Shoumaker** responded no, Amory was ok with what we showed, use dark sky compliant. **Brian Kilgallen** an issue Mr. Hastings and I talked about was a fence and trees? **Mr. Hastings** a screening on your property line if you want it, I agreed to it. **Brian Kilgallen** I think we should have trees to block and I wanted a fence, felt we would get water and rotted fence would be proof. **Charles Williams** did you update plans to show? **Mr. Hastings** when I agreed willing to accept as a condition. **Mr. Hastings** if they want it make a condition of any abutter on Rice Ave who wants it, I'm willing to do it all the way down. **Mr. Hastings** 6ft stockade along Rice Ave and the Mayos and we'll put stockade on our property line side. **John Lucas** are you going to be part of the HOA? **Charles Williams** as being once on an HOA you are throwing a lot out there. **Chairman Corbett** a wood fence? **Mr. Hastings** a 6ft wood fence. **Brian Kilgallen**, I would agree with that. **Brian Kilgallen** you talked about runoff, you talked about drains do you have a drainage pipe. **Mr. Hastings** this drainage system is so over the top you will see lawn. **Brian Kilgallen** everyone in town got a text construction causing rodent issues are you going to address before? **Mr. Hastings** squirrels are the only issue, if there are rodents they'll be baited and captured. I've never seen any on this property? **Brian Kilgallen** do/did you walk through and look for rodents? **Erik Shoumaker**, I have walked it and haven't seen anything. **John Lucas** is there a rodent problem now? **Brain Kilgallen** no, but I am concerned.

Brian Kilgallen, the ledge 800ft from water towers. **Mr. Hastings** you shouldn't have to worry about it, the ledge is coming out and there will be less runoff, with the drainage we are controlling it. It'll be slower and less water.

Pattiann KingMayo of 8 Dyer, I live next store, I know you are aware of my concerns from emails. I also have some other concerns in talking with my lawyer that I want in place before this development goes forward. The owners of 8 Dyer will not be financially liable, responsible, or charged for any cost/fee associated at any time in the foreseeable future: any street maintenance, street repairs, such as pipes, or utilities for Dyer Street, any snow removal or maintenance for Dyer Street and trash removal or pick up (currently done by the town) for Dyer Street.

In 2005 I inquired about property at 8 Dyer including the town road at the Plymouth Record of Deeds. I was told by the town hall (2005) that it was a town road which was voted to make a street. As of 2015, it was still considered a town road by Plymouth Record of Deeds. It is only recently due to this proposed plan of development this has come into question and issue. However, due to the town of Rockland's failure to follow its own town procedures, policy, and processing of Dyer in 2005 as a town road this action has recently been declared null and void. The town of Rockland's failure to act in a timely manner on town voted items has resulted in Dyer being reverted back and being considered a private road.

I would like in writing that the owners of 8 Dyer are not required to join current and/or future Condo associations and will not occur any cost revolving around any type of maintenance or upkeep of Dyer due to the town Rockland negligence for failure to act.

I would like to be provided a generator for my house to prevent loss of financial income for my household. Realistically, this development will require to move, shut off, or interrupt utility power in order to start and maintain construction. Currently, there is no guarantee of the length or impact of this construction. The loss of power/utility will impact my finances. (example: income, food, heat), at no time will my 2 driveways will be blocked or prevented access. I have 2 handicapped individuals living in the house and need 24-hour access in case of an emergency. My handicapped child is also transported to and from school and the pick-up and drop-off are in my driveway which needs to be available.

Chairman Corbett town trash will stay the same. **Pattiann KingMayo** the HOA will take care of trash, I want the town to take care of my trash on a private way. If the HOA is removing snow, I want the town to continue to plow. **Attorney Galvin** the town has a couple of options. The town can add their plow and trash, the Planning Board can't impose that as a condition. **William Mayo** the plow stops in front of the ledge. **Pattiann KingMayo** this town road impacts me. **Attorney Galvin** the things that Planning is asking the developer to do you won't want that. To remove snow and take care of that will benefit you. **Pattiann KingMayo**, I have a problem that it will impact my financial situation. **Attorney Galvin** the Planning Board can't give you what you are asking. **George Grass** where do they plow? **Attorney Galvin** they will plow to get to Mr. Hastings property, the town can still plow. **William Mayo** say Mr. Hastings does this and five (5) years down the road Hastings doesn't have anything to do with this? **Attorney Galvin** you will deal with the HOA. **George Grass** I don't want the snow left there and have come back next day to remove. **Attorney Galvin** you will not have lesser services because of this development. **William Mayo** five (5) years down the road, if we have to deal with HOA, do we have to get a lawyer? **Attorney Galvin** if you don't get along you'll have to get a lawyer. When dealing with an HOA is like a little kingdom they can assess fines, not a bad entity to deal with they can enforce. We can't regulate whether rentals or owner occupied. **Charles Williams** the HOA can make decision if owner occupied. **Pattiann Mayo** two main things I want Hastings or the HOA to provide me with a generator. I work from home once power shut off one day two days and three days the food gone it's not my fault or responsibility to retain the utilities and every day I am out of work if affects me. **Charles Williams**, Planning can't put in that stipulation to get you a generator. **William Mayo**, I can buy it. Mr. Hastings I never said you won't have power for five (5) days only momentarily disruption. If this was a town way, the town would be assessing betterments for these improvements, and you are getting them for free. You will maintain access to drive in and out of Dyer.

Pattiann Mayo, I have two driveways I need access 24/7 that driveway can never be blocked. If you are blasting the ledge, how are they going to get through? **Mr. Hastings** you'll have a brand-new roadway. **William Mayo** how am I going to get out? right now it's only 10ft. **Chairman Corbett** they can't block access to your house. **William Mayo** you got to park there to get it out. **Mr. Hastings**, we have a track machine that is going right to the top. I have removed big rock without disruption. **Pattiann Mayo** my concern is access to get in and out for emergencies. **John Lucas**, I think you can talk with Mr. Hastings about generator that would be between the two of you. **Pattiann Mayo** the one pole on the street he says the utilities are separate. John Lucas he can make arrangements. **Charles Williams** they may put a temporary pole and raise the wires there is a plan. **Deputy Chief Heaney** will raise to over 14ft will probably be the first thing to do. **William Mayo** the wires are way too low.

Brian Kilgallen Charlie Williams since you were on an HOA did you ever deal with people outside of HOA? Charles Williams an example a President subdivided lot a house was built they had to enter/exit HOA worked it out. It is very common that HOA's work with the abutters. **Brian Kilgallen** did you ever have to make a payment to a neighbor to raise fees? **Charles Williams** fees raised for other things, it had to be 90% owner occupied. **Mr. Hastings** this is designed for owner occupied but someone could rent.

Pattiann Mayo will it still be called Dyer Street? **Mr. Hastings** yes. **Charles Williams** will they all have Dyer Street addresses? **Mr. Hastings** yes.

George Grass if the ledge causes any damage to any property what is the step? **Mr. Hastings** put in a claim against the company doing the work, there is a preconstruction survey and a video being taken. **George Grass** if you blast to get rid of the ledge, we will all get water on our basement. **Charles Williams** we made it clear that is on Mr. Hastings. This is Rockland a lot of blasting goes on in this community, but you never hear about it. **George Grass** what if the company goes belly up? **Deputy Chief Heaney** they have to secure a bond, your house will have testing done on it. I do agree blasting is the way to go. **George Grass** I want to be protected down the road.

Pattiann Mayo Mr. Hastings mentioned fence we are agreeable to that. **Brian Dacey** of 12 Deering Square I am not an abutter, this is where I raise my children, and this is where we ride our bikes. Now going adding fifteen (15) homes, that means 15 more delivery people, Uber's and everyone that is going to miss it. There was an issue before that's why the rocks were put there. I need to make sure we are looking out for the best interest of the neighborhood. At Christmas all these people moving in will have people at the new condo. There should be three (3) houses, and no one would put up a fight for four (4). I build these things in Boston where they belong. The empty nesters have a 25-year-old kid living in their basements, they all have a car, they all have friends this is the final straw, with fifteen (15) people in an HOA stronger than you guys. This doesn't belong here this is changing the dynamic of the neighborhood.

Attorney Brobowski, if any member of the Board hasn't made every meeting they can't vote unless adopted the Mullen's Rule. **Attorney Galvin**, Attorney Brobowski is right, the remaining three members should vote. **Attorney Galvin**, Attorney Clifford believes we adopted Mullen's Rule.

Attorney Brobowski this site plan approval is approved or approved with conditions. You can deny if incomplete. You can impose conditions will not object if reasonable. You can vote egregious. **John Lucas**, are you telling me we can't say no? **George Grass** I think he is threatening you. **Brian Kilgallen** what is the role of the Planning Board? **Attorney Brobowski** if you choose to vote no, I'll be contacting everyone Police, Water, Sewer, etc. **Attorney Galvin** standard right approval or approval with conditions. **Mr. Hastings** no one wants to go to court.

Brian Kilgallen, we've been going through this for eight (8) months if not longer yes or no? **Attorney Galvin** you've taken in their concerns, made it better and satisfied the concerns, Site Plan approval is not the same as special permit. **Chairman Corbett** some of this is B1. **Attorney Brobowski** it only applies to district split, this is what your zoning allows. **George Grass** this is bad for everyone. **Brian Kilgallen** how did these come to be? lots can be split, lots can sold was it done legally? **Mr. Hastings** permitted uses.

Chairman Corbett how does Board feel? Approval with conditions? with quite a few conditions?

Motion to approve with conditions check with three (3) allowed to vote and put together the conditions **Attorney Galvin** may help with it. **John Lucas**, check with Conservation follow all rules and conditions put on, check with Highway on plowing and what Highway requires for building road, town specs and check with **Dave Taylor** if continue to plow and get permission from BOS to continue to it. Put in fencing on Northern side from West to East and **Pattiann** put trees on Rice Ave if other people on that line it will be continued. Get a photometric plan, including lighting, street and standard conditions. Trees on **Hastings** property. Sprinklers in duplexes, Deputy Chief conditions, review in twelve 12 months on water flow, review drainage in 12 months. **Attorney Galvin** approve to latest plan date put a completion date and get an as built plan at the end of construction. Incorporate Fire, Highway, Water, Sewer – in accordance with all other state and federal laws. Ask for two (2) weeks to write the decision. **Attorney Brobowski** two (2) weeks or if you need more time due October 29th end of business day file with town clerk – **John Lucas**.

Motion to include pats waivers **Charles Williams**.

Randy Hoblitzelle, I don't think the neighbors realize what we do. It's not a done deal unless they follow the rules it keeps going until **Hastings** obliges. My job is making sure it is done right. I like that he is communicating with the neighbors. It looks like an improvement on the road. We get how you feel, we are trying to get it done in the most optimal way we can.

Motion to approve site with conditions listed above – **John Lucas**
Second - **Charles Williams** conditions as outlined.
Voted 3-0

Design Review

Charles Williams is it a yes no? **Attorney Galvin** five (5) stages for findings.

Chairman Corbett basically same material on the duplexes? **Mr. Hastings** yes. **Attorney Galvin** materials should be on there. **Chairman Corbett** board, baton siding, wood or vinyl. **Mr. Hastings** composite siding. **Chairman Corbett** white? **Mr. Hastings** yes. **Chairman Corbett** are these the colors your picking? **Mr. Hastings** for now building will flush out the details.

Duplexes

Chairman Corbett duplexes you have three (3) choices a, b or c? **Mr. Hastings** yes. **Charles Williams** lets start with duplexes first, I don't have any questions but would like the neighbors to take a look at it, taking a look at the exterior and floor plans next to existing houses. **Mr. Hastings** colors of exterior will be the difference, both don't look exactly the same there's no rendering in the back. **Chairman Corbett** dormers in back white? **Mr. Hastings** bottom doesn't have to be white probably won't be white.

Condos

Charles Williams Mr. Hastings what building is this? **Mr. Hastings** building B the furthest from Rice Ave. **Mr. Hastings** issue pitched roof unless you are in the community you are not going to look at that. **Charles Williams** this is not design characteristics of Rockland. **Mr. Hastings** the design character is in a B1 zone. If I change the roof it is going to be taller. This building sits back you really won't see it. The other building you will see if you want pitched roof. **Charles Williams** that is what I am looking for, they look like shipping containers. **Mr. Hastings**, I agree, we didn't spend a lot of time on it if that roof line is more appealing? **Charles Williams** how do the neighbors feel? **Brian Kilgallen** pitch roof 100%. **John Lucas** you could work with that give more of a traditional. **Mr. Hastings** three (3) stories in B1 district is the height requirement we have 30' height. We can work a roof line. **John Lucas** all buildings will have the same appearance in appearance of roof line. **Mr. Hastings**, I understand what you are saying, we will do a pitched roof with dormers. **John Lucas** will need plans before next meeting.

Attorney Galvin if they come back with a new design everyone can vote everyone that is here? **Attorney Brobowski** Design Review is a nonbinding recommendation. **Chairman Corbett** so it fits more into the neighborhood. **Mr. Hastings**, I know what you want. **Attorney Galvin** ok with color scheme? **Charles Williams** you are saying one thing his Attorney saying another. **Chairman Corbett** not a fan of the blue. **Mr. Hastings** no reds and no bright blues. **Randy Hoblitzelle** you will come back with a different look and show the colors. **Chairman Corbett** something that will blend in. John Lucas will need new plans.

Motion to continue Design to October 26, 2021 need revised plans prior to – John Lucas

Second – Charles Williams

Unanimous

John Lucas yes, Charles Williams yes, Randy Hoblitzelle yes, James Wells yes and Chairman Corbett yes

Motion to adjourn – John Lucas

Second – Charles Williams

Unanimous

Adjourn 9:23


Michael Corbett - Chairman


Clerk

**SEPTEMBER 28, 2021
PLANNING MINUTES**



TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, Massachusetts 02370

Telephone: 781-871-1874 X1196
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E-mail: planningboard@rockland-ma.gov

Planning Board Meeting Minutes of September 28, 2021 Rockland Town Hall, Lower Level

In attendance – Michael Corbett, Chairman; John Lucas and James Wells (*absent Charles Williams & Randy Hoblitzelle*)

Call to Order: 7:04 pm

The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS. A small fee will be charged. Chairman Corbett noted the meeting is being recorded for note taking purposes. The recording will be destroyed once minutes are recorded.

Continued Public Hearing: 7:05pm

Site & Design of Concord Meadows– Conrock, LLC c/o Walter Sullivan, Esq. Sullivan & Comerford, 365 Concord Street (Map 62, Lots 35, 36, 41, 42, 43, 44 & 46)

Chairman Corbett addressed the Public Hearing for Concord Meadows PUD has been continued until the October 26, 2021 meeting at 7:00pm an extension is on file.

Motion to continue to October 25, 2021 meeting – John Lucas

Second – James Wells

Unanimous

John Lucas yes, James Wells yes and Chairman Corbett yes

Close Public Hearing 7:10pm

Continued Old Business

Site & Design Review for Town Line Mini Storage, Manzella & DiGrande 28 Bishop Lane (Map 54, Lot 31)

Chairman Corbett all of Pat's comments have been addressed. **John Lucas** did you make driveway one way? **Bob Manzella** we debated about it, the new building only going to have seven (7) doors never a problem with two-way traffic and there is a cul-de-sac before the building. **Chairman Corbett** James any comments?

James Wells responded no. **John Lucas** the Deputy Chief ok with the narrow area? **Deputy Chief Heaney** responded yes. **John Lucas** will make condition if we receive any complaints, we will make it a one-way this was a suggestion from the Engineer Pat Brennan. **Chairman Corbett** would it be easier to propose one-way for parking? **Bob Manzella** they do not listen I see it all the time. **James Wells** if an issue we follow up the Fire Department is aware of it and is ok with it.

Motion to approve with condition if any complaints within 6 months or a year we revisit – **John Lucas**
Second – **James Wells**

Unanimous

John Lucas yes, **James Wells** yes and **Chairman Corbett** yes

Extension Request Review - 53 Webster Street, Webster Parking LLC, Webster Street Parking Overlay District (WSPOD), Sullivan & Comerford, P.C., (Map 39 Lot 239)

Chairman Corbett you are requesting an extension for 53 Webster Street Parking District. **Kayla Sepulveda** of Comerford & Sullivan stated back in February 2020 the nursing home was hit pretty hard, we are looking for an extension of two (2) years to construct this parking lot.

Chairman Corbett when you plan on doing it? the timeframe is not up. **Kayla Sepulveda** of Comerford & Sullivan other matters discussed with Town Counsel that brought this on and we are going into the cold season not easy to put in parking lot. They are operating at 50% and cost of construction they still plan and intend to do not sure of when, but in foreseeable future that why asking for the two (2) year extension.

John Lucas I would like to change to one (1) year still had time prior to covid.

Motion to approve one (1) year extension until February 6, 2023 – **John Lucas**

Second – **James Wells**

Unanimous

John Lucas yes, **James Wells** yes and **Chairman Corbett** yes

Site & Design Review for Gaspar Investments Inc., McKenzie Engineering Group multiple buildings 0 Dyer Street (Map 34, Lots 83, 84, 87, 88, 89 & 90)

Thomas Hastings there is no quorum have to continue for a vote. **Chairman Corbett** do you have the Order of Conditions from Conservation? Can you send those to us? **Thomas Hastings** yes. **John Lucas** will we need an extra meeting we will get in touch with you. We will check with the other board members and confirm a date and time.

New Business

Site & Design Review for Forest Delahunt Development, LLC., Grady Consulting, LLC for Lovell Academy 80 Bill Delahunt Parkway (Map 14, Lots 47 & 92, Map 13, Lots 1 & 3 and Map 19 Lot 108)

Chairman Corbett we received notification this afternoon from Kevin Grady to continue to the October 26, 2021 meeting..

Administration

Motion to approve minutes from meeting August 24, 2021 was tabled no quorum.

Motion to pay Amory in the amount of \$395.68 for Dyer Street – John Lucas

Second – James Wells

Unanimous

John Lucas yes, James Wells yes and Chairman Corbett yes

Motion to pay Secretary in the amount of \$450.00 for Special Town Meeting September 13, 2021 and meeting September 28, 2021 – James Wells

Second – John Lucas

Unanimous

John Lucas yes, James Wells yes and Chairman Corbett yes

Motion to adjourn – James Wells

Second – John Lucas

Unanimous

John Lucas yes, James Wells yes and Chairman Corbett yes

Adjourn 7:40pm.



Michael Corbett - Chairman

**ATTORNEY GALVIN
LETTER**

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Anthony J. Riley, Esq.

Robert E. Galvin, Esq. (1933-d.2020)

William J. Galvin, Esq. (1898-d.1995)

September 22, 2021

VIA EMAIL AND FIRST-CLASS MAIL

Michael Corbett, Esq.

Rockland Planning Board

Town of Rockland – Offices

242 Union Street

RE: Dyer Street

Dear Michael and Members of the Planning Board:

As you know, this office is Land Use Counsel for the Town of Rockland. I have reviewed the status of Dyer Street and the prior Town Meeting action relating to it.

Although Town Meeting approved that Dyer Street becoming a public way, to my knowledge there was no purchase, gift or taking of the way either in the form of an easement or fee interest.

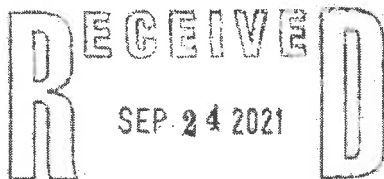
There was to my knowledge also no plan laying out the proposed way or any Planning Board hearing or Selectmen meeting approving the layout or acquisition of the way.

The Town has a formal street acceptance procedure and I have never been provided any evidence of compliance with this statutory process. Until such time as these steps have been taking the vote is only preliminary to the actual status of the way changing.

Thank you for your attention to this matter.

Very truly yours,

Robert W. Galvin, Esq.



Rockland Planning Board

9-24-21 copy to Town Clerk - CMAC